IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REV. APPLICATION NO.79 OF 2003

Raju Doshi .. Applicant
Versus
Vijay Ahluwalla & Anr. .. Respondents

Mr.M.K.Kochrekar and Mahendra Jain for applicant
Mr.P.A.Pol, A.P.P. for State
Mr.Ajit Karwande for respondent No.1

CORAM : S.C.DHARMADHIKARI, J.
DATE : 30th November 2006.
P.C.

. Applicant is original accused whereas first respondent is original complainant. Proceedings are under N.I.Act.

2. Upon dishonour of cheque, complaint was laid, applicant accused was convicted and sentenced thereunder. His appeal is also dismissed. Revisional jurisdiction is invoked to challenge the concurrent orders of conviction and

sentence.

3. However, Mr.Kochrekar does not press this revision application in the light of the settlement arrived at between original complainant and the applicant accused. Consent terms recording this settlement are signed by both parties so also their Advocates. Applicant has now given an undertaking to this Court that the amounts in clause 3 of the consent terms would be paid by cheques/pay orders within the time stipulated therein. He also further undertakes that if there is a default, he would comply with clause 5 of the consent terms. Consent Terms are taken on record and marked "X" for identification.

4. It appears that there are civil disputes between parties which are also being put an end to by these terms. Since, I find no merit in this application and ordinarily applicant must

surrender to custody for undergoing sentence as awarded by the learned Metropolitan Magistrate and confirmed by the lower appellate court, in the light of these terms, it is directed that the applicant accused shall not be taken in custody till 31st May 2007. This sentence is deferred till that period. It is only upon the payment being made as undertaken that the offences shall stand compounded and, thereupon the applicant would not be required to surrender. However, in default of compliance with clause 3 of the consent terms by 31st May 2007, the applicant shall surrender to custody on or before 6th July 2007. Copy of the consent terms to be deposited with concerned police station for necessary and further action.

(S.C.Dharmadhikari, J)